

5.04 Conditional Use Permits

5.04.1 Intent. A Conditional Use Permits (CUP) is required prior to operation of a use that is not a principal use, but allowed conditionally under these Regulations.

5.04.2 Requirements. Structures or land within the District may not be used for any purpose unless such use is specifically listed as a principal use or conditional use in these Regulations. The County Commission may grant a conditional use when they find that:

1. The use conforms to the objectives of the Gallatin County Growth Policy and the intent of these Regulations.
2. The use will not adversely affect nearby properties or their occupants.
3. The use meets density, and all other regulations of the District in which it is located, unless otherwise provided in these Regulations.
4. A public hearing, after notice has been given, has been held.

5.04.3 Conditional Approval. The County Commission may make the granting of a CUP subject to reasonable limitations or conditions as it may deem necessary to enhance the appearance of the property, to reduce any adverse effects on nearby property or residences, to preserve the character of the area or to make it more acceptable in other ways. The conditions may include but not be limited to the following:

- a. Landscaping and its maintenance.
- b. Regulation of height.
- c. Regulation of lighting.
- d. Regulation of odors, smoke, dust, airborne particles, vibration, glare, heat and noise.
- e. Regulation of placement of uses on the property.
- f. Regulation of signs.
- g. Regulation of the length of time such use may be permitted.
- h. Regulation of the nature and extent of the use.
- i. Regulation of time of activities that have off-site impacts.
- j. Regulation of vehicular ingress and egress.
- k. Requirement for dedication or improvements of rights-of-way.
- l. Requirements for restoration of property.
- m. Special setbacks, yards, open spaces, buffers, fences and walls.
- n. Appropriate fire mitigation.
- o. All public occupancy structures shall demonstrate compliance with applicable state and local fire, safety, and occupancy codes.
- p. Time schedule of proposed development.
- q. Impacts of increased traffic.

- 5.04.4 Procedure. All CUP applications shall be submitted to the Planning Department on the required form with the accompanying fee. A hearing on the matter is scheduled before the County Commission and they shall either approve or deny the application based on the facts. The County Commission may impose reasonable conditions, as it may deem necessary to mitigate project impacts. Use cannot commence until all conditions have been met.
- 5.04.5 Notice. Notice of the public hearing shall be published at least once fifteen (15) days prior to the hearing in a newspaper of general circulation. Adjacent property owners shall be noticed by certified mail.
- 5.04.6 Issuance of Land Use Permits. No land use permit shall be issued other than in accordance with the conditions and terms of the conditional use permit. No land use permit shall be issued until time for appeal on a conditional use permit has elapsed, or if an appeal has been filed, the appeal has been decided.
- 5.04.7 Revocation or Modification. The County Commission may revoke or modify a CUP under the following circumstances (under the procedure described above):
1. If circumstances have changed substantially since original approval.
 2. Revocation or modification is necessary to protect the health, safety, or welfare of the area, or is necessary to preserve the integrity of existing use patterns in the area.
 3. The person holding the permit has not complied with the required conditions, or has not materially changed their position by detrimentally relying on said permit.
- 5.04.8 Expiration/ Extensions. The County Commission may issue a CUP for a definite term. Extensions can be obtained through written application made thirty (30) days prior to expiration, with accompanying fee, and notification sent to adjacent property owners. An extension shall be granted if no objection is received. A public hearing will be held if objection is received.